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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/844,997 | 04/27/2001 | Shoji Kurakake | 10745/14 | 1384 |

7590 08/12/2004
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EXAMINER

OSMAN, RAMY M

| ART UNIT | PAPER NUMBER |
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2157

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,997

Applicant(s)

KURAKAKE ET AL.

Examiner

Ramy M Osman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the network" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,2,8 and 9 rejected under 35 U.S.C. 102(e) as being anticipated by Ramasubramani et al (US Patent No 6,314,108) [herein Rama].

5. In reference to claim 1, Rama teaches a communication system that utilizes a plurality of network-access measures comprising:

a communication device operable to connect the network using at least one of the multiple network-access measures; and a server operable to connect to the communication device

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to provide the communication device with an available network-access measure for a location of the communication device (Abstract and column 2 lines 24-67).

6. In reference to claim 2, Rama teaches the system of claim 1 wherein the server comprises:

a database to store the network-access measures; and an informing device to inform the communication device of a search result of available network-access measures (column 3 lines 1-23, column 4 lines 10-50, column 6 lines 40-67 and column 7 lines 1-53).

7. In reference to claim 8, Rama teaches the system of claim 1 wherein the communication device is operable to obtain communication software programs (figure 2 and column 6 lines 1-45).

8. In reference to claim 9, Rama teaches the system of claim 8 wherein the server provides the communication software to the communication device (figure 2 and column 6 lines 1-45).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani et al (US Patent No 6,314,108) in view of Ginzboorg et al (US Patent No 6,047,051).

Rama teaches the system of claim 2 above. Rama fails to explicitly teach wherein the database further stores authentication-key information, from a service provider and informs the

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communication device. However, Ginzboorg teaches a service provider sending keys to a server for storage and transmittal to customer terminals (mobile terminals) for the purpose of authorizing certain terminals for network access (column 4 lines 1-25 and column 14 lines 45-67).

It would have been obvious for one of ordinary skill in the art to modify Rama by providing keys to the communication devices as per the teachings of Ginzboorg for the purpose of authorizing certain terminals for network access.

11. Claims 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani et al (US Patent No 6,314,108) in view of Ahmed et al (US Patent No 6,160,804).

Rama teaches the system of claim 2 above. Rama fails to explicitly teach an update mechanism to update information regarding available network-access measures when the communication device changes its location; and an informing device for informing the communication device of the updated available network-access measure information. However, Ahmed teaches updating network information whenever a mobile station changes location for the purpose of mobility management within a network (column 4 lines 43-67 and column 13 lines 30-50).

It would have been obvious for one of ordinary skill in the art to modify Rama by updating network information whenever a mobile station changes location as per the teachings of Ahmed location for the purpose of mobility management within a network.

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12. Claims 10-20 do not teach or define any new limitations above the rejected claims 1-9, and are therefore rejected for similar reasons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
July 30, 2004



SALEH NAJJAR
PRIMARY EXAMINER